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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,188

Applicant(s)

JUNG ET AL.

Examiner

DANIEL TEKLE

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-17, 19, 21-42, 44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-17, 19, 21-42, 44 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Argument

Applicant's arguments with respect to claim 1-4, 6-17, 19, 21-42 and 44-45 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8, 28-39 and 46 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-8, 28-39 and 46 rejected under 35 U.S.C. 101 because it claims a computer readable medium, which by the specification is disclosed as either a computer storage medium or transmitted as part of an electromagnetic signal (**See paragraph 0030 distributed over network**). This is non-statutory subject since the signal is not be altered in any way. If a claimed process manipulates only numbers, abstract concepts or ideas, or signals representing any of the foregoing, the claim is not being applied to appropriate subject matter. Schrader, 22 F.3d at 294-95, 30 USPQ2d at 1458-59. A claimed signal is clearly not a "process" under § 101 because it is not a series of steps. The other three § 101 classes of machine, compositions of matter and manufactures "relate to structural entities and can be grouped as 'product' claims in order to contrast them with process claims." 1 D. Chisum, Patents § 1.02 (1994).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-17, 19, 21-42 and 44-45 rejected under 35 U.S.C. 102(e) as being anticipated by Haskell et al. (US 2004/0054965).

Regarding Claim 1: Haskell et al. discloses an information storage medium, comprising: core mode data which comprises moving picture data, comprising coded stream data of moving pictures, and navigation data controlling playback of the moving picture data (**paragraph 0062**); full mode data which comprises browser mode data made using a markup language and an execution script and/or program mode data made using a program language (**paragraph 0009**); and startup data which designates one of the mode data to be initially reproduced among the core mode data, the browser mode data, and the program mode data (**paragraph 0009**), when the information storage medium is loaded into a reproducing apparatus, wherein the browser mode data represents a markup language based browser function to enable a user to access information which is provided via a network (**paragraph 0040**), and wherein the program mode data represents a program based interactive function to enable the user to interact and control playback of the moving picture data (Fig 1).

Regarding Claim 2: Haskell et al. discloses an information storage medium of claim 1, wherein each of the core mode data, the browser mode data and the program mode data comprises a link to another one of the mode data corresponding to a current mode or a different mode (**paragraph 0062**).

Regarding Claim 3: Haskell et al. discloses an The information storage medium of claim 2, wherein after the mode data to be initially reproduced is determined according to the startup data, a reproducing apparatus operates according to the determined mode data, and the startup data comprises link information so that a mode transition is executable during playback (**paragraph 0062**).

Regarding Claim 4: Haskell et al. discloses an information storage medium of claim 1, wherein the moving picture data further comprises playback unit data defining playback units in which the moving picture data is reproduced, and at least one among the navigation data, the browser mode data, and the program mode data comprises an Application Program Interface (API) reproducing the playback units (**paragraph 0062 and 0082**).

Regarding Claim 6: Haskell et al. discloses an The information storage medium of claim 1, wherein: when the startup data designates the core mode data, the startup data designates a first playback unit to be initially reproduced among the playback units (**paragraph 0062**); when the startup data designates the browser mode data, the startup data designates a file made using a markup language and an execution script

(paragraph 0070); and when the startup data designates the program mode data, the startup data designates a file made using a program language **(paragraph 0070)**.

Regarding Claim 7: Haskell et al. discloses an information storage medium of claim 4, wherein the startup data comprises core mode startup data and full mode startup data, the core mode startup data designating only the core mode data, the full mode startup data designating one among the core mode data, the browser mode data, and the program mode data **(paragraph 0038 and 0070)**.

Regarding Claim 8: Haskell et al. discloses an information storage medium of claim 7, wherein: when the full mode startup data designates the core mode data, the full mode startup data designates a first playback unit to be initially reproduced among the playback units **(paragraph 0062)**; when the full mode startup data designates the browser mode data, the full mode startup data designates a file made using a markup language and an execution script **(paragraph 0038)**; and when the full mode startup data designates the program mode data, the full mode startup data designates a file made using a program language **(paragraph 0038)**.

Regarding Claim 9: Haskell et al. discloses a reproducing apparatus for an information storage medium, the reproducing apparatus comprising: a reader which reads data from an information storage medium comprising core mode data which includes moving picture data and navigation data to control playback of the moving picture data, startup data, and/or full mode data which includes browser mode data and program mode data **(paragraph 0062 and Fig. 1)**; a presentation engine which decodes and reproduces the

data read by the reader corresponding to moving picture stream data (**paragraph 0038**); a navigation engine which processes navigation data, in the read data, reproducing the moving picture (**paragraph 0062**); a browser engine which processes the data read by the reader corresponding to the browser mode data for a markup language based browser function to enable a user to access information which is provided via a network (**paragraph 0038 and 0040**); a program engine which executes the data read by the reader corresponding to the program mode data for a program based interactive function to enable the user to interact and control playback of the moving picture data (**paragraph 0040 and fig. 1**); an application manager which determines one of the core mode data, the browser mode data, and the program mode data to be initially reproduced according to the startup data in the data read by the reader, controls an engine corresponding to the determined one of the mode data, and performs mode transition (**paragraph 0040**); and a blender which blends an output of the presentation engine and at least one among an output of the browser engine and an output of the program engine into a single output (**paragraph 0031**).

Regarding Claim 10-11: Claims 10-11 are rejected for the same subject matter as 3.

Regarding Claim 12: Haskell et al. discloses an reproducing apparatus of claim 9, wherein moving picture data stored in the information storage medium comprises the moving picture stream data and playback unit data defining playback units in which the moving picture stream data is reproduced; at least one among the navigation data, the browser mode data, and the program mode data comprises an Application Program Interface (API) reproducing the playback units (**paragraph 0062 and 0082**); and when

at least one among the navigation engine, the browser engine, and the program engine performs the API, the reproducing apparatus provides a signal controlling playback to the presentation engine to control playback of the moving picture stream data **(paragraph 0029)**.

Regarding Claim 13: Haskell et al. discloses the reproducing apparatus of claim 12, wherein the startup data designates one among the core mode data, the browser mode data, and the program mode data **(paragraph 0062 and 0064)**.

Regarding Claim 14-16: Claims 14-16 are rejected for the same subject matter as 6-8 respectively.

Regarding Claim 17: Haskell et al. discloses an reproducing apparatus of claim 9, wherein the application manager comprises a user input receiver and a user input processor to process a user's input, thereby controlling one of the presentation, navigation, browser and program engines corresponding to the user's input **(paragraph 0029)**.

Regarding Claim 19: Haskell et al. discloses a reproducing method for an information storage medium storing core mode data which includes moving picture data and navigation data to control playback of the moving picture data, startup data, and/or full mode data which includes browser mode data and program mode data, the reproducing method comprising: setting one mode among a core mode and a full mode according to the startup data designating mode data to be initially reproduced among the core mode data and the full mode data **(paragraph 0062 and fig. 1)**; and reproducing the core

mode data or the full mode data according to the set mode, wherein the moving picture data and the navigation data controlling playback of the moving picture data are reproduced during the core mode (paragraph 0062 and fig. 1), and wherein at least one among the browser mode data made using a markup language and an execution script and the program mode data made using a program language is reproduced during the full mode (paragraph 0062 and Fig. 1).

Regarding Claim 21-27: Claims 21-27 are rejected for the same subject matter as 10-16 respectively.

Regarding Claim 28: Claims 28 are rejected for the same subject matter as 1 and 4.

Regarding Claim 29: Haskell et al. disclose an information storage medium of claim 28, further comprising: startup data designating one of the core mode data and the full mode data to be reproduced upon initiating a reproduction of the information storage medium (**paragraph 0048**).

Regarding Claim 30: Haskell et al. discloses a information storage medium of claim 29, wherein the startup data further comprises links to the core mode data, the program mode data and the browser mode data, wherein a mode change from one of the program mode data to the core mode data to the other is carried out depending on the startup data designation (**paragraph 0048**).

Regarding Claim 30: Haskell et al. discloses a information storage medium of claim 28, further comprising: startup data designating both the core mode data and the full mode

data to be reproduced upon initiating a reproduction of the information storage medium **(paragraph 0048)**.

Regarding Claim 32: Haskell et al. discloses a information storage medium of claim 31, wherein when the information storage medium is loaded in a reproducing apparatus which is unable to recognize the full mode data, the startup data initiates reproduction of only the core mode data **(paragraph 0048 and fig. 9)**.

Regarding Claim 33: Haskell et al. discloses an information storage medium of claim 32, wherein the core mode data does not comprise links corresponding to the mode change **(paragraph 0031)**.

Regarding Claim 34: Haskell et al. discloses an information storage medium of claim 31, wherein when the information storage medium is loaded in a reproducing apparatus which recognizes the full mode data, the startup data selectively initiates reproduction of one of the core mode data and the full mode data prior to the other **(paragraph 0031 and 38)**.

Regarding Claim 35: Haskell et al. discloses a information storage medium of claim 34, wherein the core mode data comprises links corresponding to entry points in the full mode data **(paragraph 0038)**.

Regarding Claim 36: Haskell et al. discloses a information storage medium of claim 35, wherein the full mode data comprises links corresponding to entry points in the core mode data **(paragraph 0038)**.

Regarding Claim 37: Haskell et al. discloses a information storage medium of claim 34, wherein the program mode data comprises links corresponding to entry points in the core mode data and the browser mode data, respectively (**paragraph 0031 and 0038**).

Regarding Claim 38: Haskell et al. discloses a information storage medium of claim 34, wherein the browser mode data comprises links corresponding to entry points in the core mode data and the program mode data, respectively (**paragraph 0038**).

Regarding Claim 39: Haskell et al. discloses a information storage medium of claim 34, wherein the program mode data comprises links corresponding to entry points in the core mode data and the browser mode data, the browser mode data comprises links corresponding to entry points in the core mode data and the program mode data, and the core mode data comprises links corresponding to entry points in the program mode data and the browser mode data, wherein the respective entry points designate a portion of the corresponding one of the core mode data, the program mode data, and the browser mode data to be reproduced (**paragraph 0048 and fig. 9**).

Regarding Claim 40: Haskell et al. discloses a reproducing apparatus using an information storage medium, comprising: a reader which reads startup data, core mode data and full mode data from the information storage medium (**paragraph 0031**); a buffer which buffers the core mode data and the full mode data (**paragraph 0048**); and a reproducer which reproduces the startup data first and then reproduces the core mode data and the full mode data based on commands designating an order of reproduction of the core mode data and the full mode data (**paragraph 31 and fig. 9**),

wherein the core mode data comprises moving picture data and navigation data controlling playback of the moving picture data (paragraph 0062 and Fig. 1); and wherein the full mode data comprises browser mode data utilized for a markup language based browser function to enable a user to access information which is provided via a network (paragraph 0040), and program mode data utilized for a program based interactive function to enable the user to interact and control playback of the moving picture data (Fig. 1).

Regarding Claim 41: Haskell et al. discloses an apparatus of claim 40, wherein the startup data designates only the core mode data to be reproduced first (paragraph 0031 and fig. 9).

Regarding Claim 42: Haskell et al. discloses an apparatus of claim 40, wherein the startup data designates one of the core mode data and the full mode data to be reproduced first (paragraph 0031 and fig. 9).

Regarding Claim 44: Haskell et al. discloses an apparatus of claim 42, wherein the reproducer comprises: a browsing engine reproducing the browsing mode data and executing the corresponding page unit called by the markup document (paragraph 0038); a program engine reproducing the program mode data and executing corresponding program commands (paragraph 0038); a navigation engine reproducing and executing navigation commands in the core mode data controlling reproduction of the core mode data (paragraph 0062); a presentation engine reproducing the core mode data in response to the navigation commands from the navigation engine (paragraph 0062); and an application manager controlling reproduction and mode

conversion of the core mode data, the browsing mode data, and the program mode data based on the reproduced navigation commands, the page units, and the program commands, wherein the application manager controls the respective corresponding engine to reproduce and execute the startup data first (**paragraph 0009 and 0062**).

Regarding Claim 45: Haskell et al. discloses an apparatus of claim 44, wherein the application manager controls the reproduction and mode conversion through an application program interface (API) (**paragraph 0086**).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
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